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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/803,346	03/19/2004	Anthony R. Rogers	RJSTUDIO-3	5825
32132	7590	04/20/2006	EXAMINER	
LAMORTE & ASSOCIATES P.C. P.O. BOX 434 YARDLEY, PA 19067			SHAW, ELIZABETH ANNE	
			ART UNIT	PAPER NUMBER
			3644	

DATE MAILED: 04/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 8, 9, 11, 12 and 14 are rejected under 35 U.S.C. 102(e) as being anticipated by Kim (2004/0123875). Kim teaches a method of clipping a claw or nail comprising providing a light source 4, shining the light source 4 through the nail when it is inserted into the clipper to make the nail and any blood vessels visible, light seen through hole 11 in pivot pin 3, and clipping a portion of the nail within the jaws of the clippers.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 10 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim in view of Asada et al (2001/0025917). Kim does not teach the use of a red light source. Asada et al shows the use of a red light source 44 used in a finger clip 72,

to flash at a fingernail to detect the amount of blood under the fingernail, page 3, [0030, 0031]. With respect to claims 10 and 13, to use the red light of Asada et al with the clippers of Kim. Would have been obvious to one skilled in the art in order to better view the flow of blood through the body part being viewed.

Response to Arguments

Applicant's arguments filed Jan. 30, 2006 have been fully considered but they are not persuasive. It is considered that the light source of the patent to Kim would be sufficient to at least marginally illuminate a nail in a lighted area. The sides ^{of} ~~fo~~ the device are open which further allows light to escape. While the closing of the cutters does block the light, one would assume that the nail to be cut is positioned correctly and being held steady so that the light source would not be needed at the moment of cutting. Further, as for the nail being aligned directly between the light source and the observer that would be obvious to do so. The person working the clipper would likely be bent over it for a steady hold and a clear view and therefore would be directly in line, also the subject being clipped and any person being behind that subject would also be considered to be in a direct line. Detailing the position of the light source with respect to the cutting edges might be viewed favorably in any further response. TL

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elizabeth A. Shaw whose telephone number is 571-272-6908. The examiner can normally be reached on M-Th 10:00-3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Teri Luu can be reached on 571-272-7045. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Elizabeth A. Shaw
Examiner
Art Unit 3644



TERI PHAM LUU
SUPERVISORY
PRIMARY EXAMINER

April 13, 2006